IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

Crl.Rev.Pet.No. 1053 of 2005()

CRA.44/2003 of SESSIONS COURT, ALAPPUZHA
CC.6/1999 of JUDL.MAGISTRATE OF FIRST CLASS-I, CHERTHALA

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REVN. PETITIONER: APPELLANT/ACCUSED.

MOHANACHANDRAN, AGED 53 YEDARS,
S/O.KARUNAKARA MENON, KATTIKATTU, SREEKARTHIKA,
CMC 4, CHERTHALA.

BY ADV. SRI.ANIL S.RAJ
SMT.K.N.RAJANI

RESPONDENTS: COMPLAINANT.

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1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. M/S.KUNNATH FINANCIAL ENTERPRISES, CHERTHALA, REPRESENTED BY POWER OF ATTORNEY HOLDER P.X.MARTIN, ACCOUNTANT, M/S.KUNNATH FINANCIAL ENTERPRISES, CHERTHALA.

BY ADVs. M/s. SRI.PEEYUS A.KOTTAM & SRI.ASHIK K.MOHAMMED ALI
PUBLIC PROSECUTOR SRI.P.N. SUKUMARAN FOR R1

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 25/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Crl. R.P. No. 1053 of 2005

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Dated, this the 25th day of June, 2007

ORDER

The accused in C.C. No. 6 of 1999 on th**e file** of the J.F.C.M-I, Cherthala, for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881, challenges the conviction entered and the sentence passed against him concurrently by the courts below.

2. Pending this revision, the parties have settled the matter. Crl.M.A 5641 of 2007 has been filed under Section 147 of the Negotiable Instruments Act, 1881 seeking permission to record the composition entered into between the revision petitioner and the complainant. The said petition has been signed by both the revision petitioner as well as the complainant and their respective counsels. In the light of this development, the aforementioned composition is recorded and it will have the effect of an acquittal of the revision petitioner within the meaning of Sec. 320 (8) Cr.P.C.

3. A sum of Rs. 25,000/- (Rupees twenty five thousand only) deposited by the revision petitioner before the trial Court pursuant to the order passed by this Court shall be refunded to him.

This Crl. R.P. is disposed of as above.

V. RAMKUMAR,

(JUDGE)

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